

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN S. LAYTON

Defendant.

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Case No. 2:06-cr-122(1)

JUDGE ALGENON L. MARBLEY

ORDER

On June 13, 2008, the Magistrate Judge issued a *Report and Recommendation* pursuant to 28 U.S.C. § 636(b)(1) urging the Court to accept Defendant Brian S. Layton's guilty plea. Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Federal Rule of Criminal Procedure 11(b). Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact. Although Defendant was specifically informed of his right to contest the *Report and Recommendation* and the consequences of his failure to do so, he did not object. Accordingly, the Court **ADOPTS** the *Report and Recommendation* and **ACCEPTS** Defendant's plea of guilty to count one of the indictment.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

Dated: June 23, 2008